

REMARKS

This is in response to the Office Action of June 14, 2007. Claims 1-21 are pending in the application.

Rejection under 35 U.S.C. § 102

Claims 1, 7, 8, and 14-19 are rejected as being anticipated by US published application 2003/0071908 A1 to Sannoh et al. (Sannoh). Office Action, pages 2-4. The rejection is stated to be under 35 U.S.C. § 102(e). The 35 U.S.C. § 102(e) date of the reference is 17 September 2002. However, the reference was published on 17 April 2003, which is prior to the 10 December 2003 U.S. filing date of the present application. Therefore the rejection should actually be made under 35 U.S.C. § 102(a). The rejection is respectfully traversed on its merits.

Sannoh discloses a technique of face detection. However, the Sannoh face detection technique relates to auto-focusing at the time of, or before, an image-taking operation. Thus, Sannoh does not disclose correcting an image which has already been acquired by an image-taking operation.

The Examiner refers to Figure 20 of Sannoh as allegedly disclosing the correction feature of the present invention. In Sannoh Figure 20, "REDEYE PREVENTING EMISSION" and "FACE DETECTION BACKLIGHT CORRECTION" are shown as items of the user setup screen. Thus, these items in Sannoh are to be set by a user prior to an image-taking operation, for controlling emission at the time of the image-taking operation.

In contrast, the present claims require, among other things, "a correction section that detects a particular eye-related defect in the image represented by the image *data acquired* by the image acquisition section¹" or "a correction section that detects an eye-related defect in the image represented by the image *data acquired* by the image acquisition section²" or "a correction section that detects a particular eye-related defect in the *photographed* object

¹ Claim 1.

² Claim 8.

image³” or “a correction section that detects an eye-related defect in the *photographed* object image⁴” or “in the *photographed* object image represented by the image *data acquired*⁵.” Thus, the presently claimed invention clearly relates to images which have already been acquired by an image-taking operation.

It is manifest that there is a fundamental difference between the technology disclosed by Sannoh and the technology reflected in Applicant’s claims. Accordingly, the Examiner’s rejection of the present claims as being anticipated by Sannoh is erroneous. The anticipation rejection should be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 2 and 9 are rejected as being unpatentable over Sannoh in view of US 2002/0051225 A1 (Karasawa). Office Action, pages 4-5 and 8. Claims 3 and 10 are rejected as being unpatentable over Sannoh in view of US 5,245,421 (Robertson). Office Action, pages 5-6 and 8. Claims 4, 5, and 11 are rejected as being unpatentable over Sannoh in view of US 6,977,676 B1 to Sato et al. (Sato). Office Action, pages 6-7 and 8. Claim 6 is rejected as being unpatentable over Sannoh in view of US 7,035,462 B2 to White et al. (White). Office Action, pages 7-8. Claim 12 is rejected as being unpatentable over Sannoh in view of US 7,065,249 B2 to Fushiki et al. (Fushiki). Office Action, pages 8-9. Claim 13 is rejected as being unpatentable over Sannoh in view of US 2003/0071908 A1 to Murray et al. (Murray). Office Action, pages 9-10. Claim 20 is rejected as being unpatentable over Sannoh in view of US 2005/02644658 to Ray et al. (Ray). Office Action, page 10. Claim 21 is rejected as being unpatentable over Sannoh in view of US 2003/0068084 A1 to Kinjo et al. (Kinjo). Office Action, pages 11-12. Each of these rejections is respectfully traversed.

The deficiencies of the primary reference, Sannoh, are discussed above. Neither Karasawa nor Robertson nor Sato nor White nor Fushiki nor Murray nor Ray nor Kinjo

³ Claim 15.

⁴ Claim 16.

⁵ Claim 17.

remedies the fundamental deficiencies of the primary reference. Accordingly, none of the present obviousness rejections is sustainable, and all should be withdrawn.

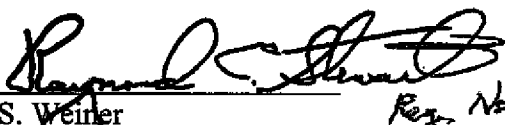
Contact information

The Examiner is invited to contact Richard Gallagher, Registration No. 28,781, with any questions concerning the present application. Mr. Gallagher can be reached at (703) 205-8008.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 
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